

U.S. Customs and Border Protection, DHS; Treasury

§ 12.104b

(iii) Original engravings, prints and lithographs;

(iv) Original artistic assemblages and montages in any material;

(8) Rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;

(9) Postage, revenue and similar stamps, singly or in collections;

(10) Archives, including sound, photographic and cinematographic archives;

(11) Articles of furniture more than 100 years old and old musical instruments.

(d) The term *designated archaeological or ethnological material* means any archaeological or ethnological material of the State Party which—

(1) Is—

(i) Covered by an agreement under 19 U.S.C. 2602 that enters into force with respect to the U.S., or

(ii) Subject to emergency action under 19 U.S.C. 2603 and

(2) Is listed by regulation under 19 U.S.C. 2604.

(e) The term *museum* means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or esthetic purposes, which, utilizing a professional staff, owns or utilizes tangible objects, cares for them, and exhibits them to the public on a regular basis (Museum Services Act; Pub. L. 94-462; 20 U.S.C. 968). For the purposes of these regulations, the term *recognized museum* under the Cultural Property Implementation Act shall be synonymous with *museum*.

(f) The term *Secretary* means the Secretary of the Treasury or his delegate, the Commissioner of Customs.

(g) The term *State Party* means any nation which has ratified, accepted, or

acceded to the 1970 UNESCO Convention.

(h) The term *United States* or *U.S.*, includes the customs territory of the United States, the U.S. Virgin Islands and any territory or area the foreign relations for which the U.S. is responsible.

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986; 51 FR 15316, Apr. 23, 1986; 51 FR 17332, May 12, 1986]

§ 12.104a Importations prohibited.

(a) No article of cultural property documented as appertaining to the inventory of a museum or religious or secular public monument or similar institution in any State Party which was stolen from such museum, monument, or institution after April 12, 1983, or after the date of entry into force of the Convention for the State Party, whichever date is later, may be imported into the U.S.

(b) No archaeological or ethnological material designated pursuant to 19 U.S.C. 2604 and listed in §12.104g, that is exported (whether or not such exportation is to the U.S.) from the State Party after the designation of such material under 19 U.S.C. 2604 may be imported into the U.S. unless the State Party issues a certificate or other documentation which certifies that such exportation was not in violation of the laws of the State Party.

§ 12.104b State Parties to the Convention.

(a) The following is a list of State Parties which have deposited an instrument of ratification, acceptance, accession or succession, the date of such deposit and the date of entry into force for each State Party:

State party	Date of deposit	Date of entry into force
Algeria	June 24, 1974 (R)	Sept. 24, 1974.
Angola	Nov. 7, 1991 (R)	Feb. 7, 1992.
Argentina	Jan. 11, 1973 (R)	Apr. 11, 1973.
Armenia, Republic of	Sept. 5, 1993 (S)	See Note 1.
Australia	Oct. 30, 1989 (Ac)	Jan. 30, 1990.
Bangladesh	Dec. 9, 1987 (R)	Mar. 9, 1988.
Belarus	Apr. 28, 1988 (R)	July 28, 1988.
Belize	Jan. 26, 1990 (R)	Apr. 26, 1990.
Bolivia	Oct. 4, 1976 (R)	Jan. 4, 1977.
Bosnia-Herzegovina	July 12, 1993 (S)	See Note 2.
Brazil	Feb. 16, 1973 (R)	May 16, 1973.
Bulgaria	Sept. 15, 1971 (R)	Apr. 24, 1972.
Burkina Faso	Apr. 7, 1987 (R)	July 7, 1987.

§ 12.104b

19 CFR Ch. I (4–1–10 Edition)

State party	Date of deposit	Date of entry into force
Cambodia	Sept. 26, 1972 (R)	Dec. 26, 1972.
Cameroon	May 24, 1972 (R)	Aug. 24, 1972.
Canada	Mar. 28, 1978 (Ac)	June 28, 1978.
Central African Republic	Feb. 1, 1972 (R)	May 1, 1972.
China, People's Republic of	Nov. 28, 1989 (Ac)	Feb. 28, 1990.
Colombia	May 24, 1988 (Ac)	Aug. 24, 1988.
Cote d'Ivoire	Oct. 30, 1990 (R)	Jan. 30, 1991.
Croatia	July 6, 1992 (S)	See Note 2.
Cuba	Jan. 30, 1980 (R)	Apr. 30, 1980.
Cyprus	Oct. 19, 1979 (R)	Jan. 19, 1980.
Czech Republic	Mar. 26, 1993 (S)	See Note 4.
Dominican Republic	Mar. 7, 1973 (R)	June 7, 1973.
Ecuador	Mar. 24, 1971 (Ac)	Apr. 24, 1972.
Egypt	Apr. 5, 1973 (Ac)	July 5, 1973.
El Salvador	Feb. 20, 1978 (R)	May 20, 1978.
Georgia, Republic of	Nov. 4, 1992 (S)	See Note 1.
Greece	June 5, 1981 (R)	Sept. 5, 1981.
Grenada	Sept. 10, 1992 (Ac)	Dec. 10, 1992.
Guatemala	Jan. 14, 1985 (R)	Apr. 14, 1985.
Guinea	Mar. 18, 1979 (R)	June 18, 1979.
Honduras	Mar. 19, 1979 (R)	June 19, 1979.
Hungary	Oct. 23, 1978 (R)	Jan. 23, 1979.
India	Jan. 24, 1977 (R)	Apr. 24, 1977.
Iran	Jan. 27, 1975 (Ac)	Apr. 27, 1975.
Iraq	Feb. 12, 1973 (Ac)	May 12, 1973.
Italy	Oct. 2, 1978 (R)	Jan. 2, 1979.
Jordan	Mar. 15, 1974 (R)	June 15, 1974.
Korea, Democratic People's Republic of	May 13, 1983 (R)	Aug. 13, 1983.
Korea, Republic of	Feb. 14, 1983 (Ac)	May 14, 1983.
Kuwait	June 22, 1972 (Ac)	Sept. 22, 1972.
Lebanon	Aug. 25, 1992 (R)	Nov. 25, 1992.
Libya	Jan. 9, 1973 (R)	Apr. 9, 1973.
Madagascar	June 21, 1989 (R)	Sept. 21, 1989.
Mali	Apr. 6, 1987 (R)	July 6, 1987.
Mauritania	Apr. 27, 1977 (R)	July 27, 1977.
Mauritius	Feb. 27, 1978 (Ac)	May 27, 1978.
Mexico	Oct. 4, 1972 (Ac)	Jan. 4, 1973.
Mongolia	June 23, 1991 (Ac)	Aug. 23, 1991.
Nepal	June 23, 1976 (R)	Sept. 23, 1976.
Nicaragua	Apr. 19, 1977 (R)	July 19, 1977.
Niger	Oct. 16, 1972 (R)	Jan. 16, 1973.
Nigeria	Jan. 24, 1972 (R)	Apr. 24, 1972.
Oman	June 2, 1978 (Ac)	Sept. 2, 1978.
Pakistan	Apr. 30, 1978 (R)	July 30, 1981.
Panama	Aug. 13, 1973 (Ac)	Nov. 13, 1973.
Peru	Oct. 24, 1979 (Ac)	Jan. 24, 1980.
Poland	Jan. 31, 1974 (R)	Apr. 30, 1974.
Portugal	Dec. 9, 1985 (R)	Mar. 9, 1986.
Qatar	Apr. 20, 1977 (Ac)	July 20, 1977.
Romania	Dec. 6, 1993 (R)	Mar. 6, 1994.
Russian Federation	Apr. 28, 1988 (R)	See Note 3.
Saudi Arabia	Sept. 8, 1976 (Ac)	Dec. 8, 1976.
Senegal	Dec. 9, 1984 (R)	Mar. 9, 1985.
Slovak Republic	Mar. 31, 1993 (S)	See Note 4.
Slovenia, Republic of	Oct. 10, 1992 (S)	See Note 2.
Spain	Jan. 10, 1986 (R)	Apr. 10, 1986.
Sri Lanka	Apr. 7, 1981 (Ac)	July 7, 1981.
Syria	Feb. 21, 1975 (Ac)	May 21, 1975.
Tadjikistan, Republic of	Aug. 11, 1992 (S)	See Note 1.
Tanzania	Aug. 2, 1977 (R)	Nov. 2, 1977.
Tunisia	Mar. 10, 1975 (R)	June 10, 1975.
Turkey	Apr. 21, 1981 (R)	July 21, 1981.
Ukraine	Apr. 28, 1988 (R)	July 28, 1988.
United States of America	Sept. 2, 1983 (Ac)	Dec. 2, 1983.
Uruguay	Aug. 9, 1977 (R)	Nov. 9, 1977.
Yugoslavia	Oct. 3, 1972 (R)	Jan. 3, 1973.
Zaire	Sept. 23, 1974 (R)	Dec. 23, 1974.
Zambia	June 21, 1985 (R)	Sept. 21, 1985.

Code for reading second column: Ratification (R); Acceptance (Ac); Accession (A); Succession (S).

NOTES:

1. The Republic of Armenia, the Republic of Georgia, and the Republic of Tadjikistan each deposited a notification of succession in which each declared itself bound by the Convention as ratified by the USSR on April 28, 1988 and which entered into force on July 28, 1988.

2. Bosnia-Herzegovina, Croatia and the Republic of Slovenia each deposited notification of succession in which each declared itself bound by the Convention as ratified by Yugoslavia on Oct. 3, 1972 and entered into force on January 3, 1973.

3. The Government of the Russian Federation informed the Director General of UNESCO that the Russian Federation continues without interruption the participation of the USSR in all UNESCO Conventions. The instrument of ratification was deposited by the former USSR on April 28, 1988, and entered into force on July 28, 1988.

4. The Czech Republic and the Slovak Republic each deposited a notification of succession in which each declared itself bound by the Convention as accepted by Czechoslovakia on Feb. 14, 1977 and which entered into force on May 14, 1977.

(b) Additions to and deletions from the list of State Parties will be accomplished by FEDERAL REGISTER notice, from time to time, as the necessity arises.

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986, as amended by T.D. 88-59, 53 FR 38287, Sept. 30, 1988; T.D. 90-13, 55 FR 4996, Feb. 13, 1990; T.D. 95-71, 60 FR 47467, Sept. 13, 1995; CBP Dec. 08-25, 73 FR 40725, July 16, 2008]

§ 12.104c Importations permitted.

Designated archaeological or ethnological material for which entry is sought into the U.S., will be permitted entry if at the time of making entry:

(a) A certificate, or other documentation, issued by the Government of the country of origin of such material in a form acceptable to the Secretary is filed with the port director, such form being, but not limited to, an affidavit, license, or permit from an appropriate, authorized State Party official under seal, certifying that such exportation was not in violation of the laws of that country, or

(b) Satisfactory evidence is presented to the port director that such designated material was exported from the State Party not less than 10 years before the date of such entry and that neither the person for whose account the material is imported (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than 1 year before that date of entry, or

(c) Satisfactory evidence is presented to the port director that such designated material was exported from the State Party on or before the date on which such material was designated under 19 U.S.C. 2604.

(d) The term "satisfactory evidence" means—

(1) For purposes of paragraph (b) of this section—

(i) One or more declarations under oath by the importer, or the person for whose account the material is imported, stating that, to the best of his knowledge—

(A) The material was exported from the State Party not less than 10 years before the date of entry into the U.S., and

(B) Neither such importer or person (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than 1 year before the date of entry of the material; and

(ii) A statement provided by the consignor, or person who sold the material to the importer, which states the date, or, if not known, his belief, that the material was exported from the State Party not less than 10 years before the date of entry into the U.S. and the reasons on which the statement is based; and

(2) For purposes of paragraph (c) of this section—

(i) One or more declarations under oath by the importer or the person for whose account the material is to be imported, stating that, to the best of his knowledge, the material was exported from the State Party on or before the date such material was designated under 19 U.S.C. 2604, and

(ii) A statement by the consignor or person who sold the material to the importer which states the date, or if not known, his belief, that the material was exported from the State Party on or before the date such material was designated under 19 U.S.C. 2604, and the reasons on which the statement is based.

(e) *Related persons.* For purposes of paragraphs (b) and (d) of this section, a person shall be treated as a related person to an importer, or to a person for whose account material is imported, if such person—

(1) Is a member of the same family as the importer or person of account, including, but not limited to, membership as a brother or sister (whether by whole or half blood), spouse, ancestor, or lineal descendant;

(2) Is a partner or associate with the importer or person of account in any partnership, association, or other venture; or